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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) NO. 4-15-71192 MAG
14)
15 Plaintiff,) STIPULATION AND [PROPOSED] PROTECTIVE
16 v.) ORDER REGARDING PRODUCTION OF
17 FRANCISCO GONZALEZ) DISCOVERY
18 Defendant.)
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1 With the agreement of the parties and the defendant's consent, the Court enters the following
2 Order. The United States may produce un-redacted video recordings which identify a confidential
3 informant ("CI") and designate such materials as available to review, subject to the following
4 restrictions:

5 1. For purposes of this Order, the term "Defense Team" refers to separate teams of the
6 following individuals: (1) respective counsel of record and court appointed attorney(s) in this case for
7 the defendant; (2) members of the defense counsel's law office who are assisting with the preparation of
8 defendant's defense; (3) persons retained by the Defense Team's law office to directly assist with this
9 case; and (4) any expert witnesses who may be retained or appointed by the Defense Team. For
10 purposes of this Order, the term "Defense Team" does not include the defendant.

11 2. Any materials subject to this Protective Order ("Protected Materials") shall be designated
12 by marking the item "Confidential – Subject to Protective Order."

13 3. No one other than a member of the Defense Team may review or access Protected
14 Materials, except as provided below.

15 4. The Defense Team shall not permit anyone other than a Defense Team member to have
16 physical possession of Protected Materials. The defendant may not possess a copy of the Protected
17 Materials, and may only review the Protected Materials in the presence of a member of the Defense
18 Team.

19 5. Review of the Protected Materials shall only be performed in a manner that maintains the
20 confidentiality of Protected Materials and does not expose them to unauthorized access (including
21 unauthorized viewing or eavesdropping by unauthorized individuals).

22 6. The Defense Team may make photographic or electronic copies of Protected Materials
23 for its own use, but shall not divulge or show Protected Materials to anyone other than the individual
24 defendant it represents. Any duplicates must be marked "Confidential – Subject to Protective Order"
25 and will be treated as originals in accordance with this Order.

26 7. The Defense Team may show Protected Materials to the defendant in the physical
27 presence of a Defense Team member, but may not permit that defendant to have physical possession of
28 Protected Materials.

8. The Defense Team may take Protected Materials into a custodial facility to show the individual defendant it represents but, as explained above, the Defense Team must maintain physical possession of Protected Materials and may not allow the defendant to have or retain physical possession of Protected Materials.

9. The Defense Team shall not permit Protected Materials to be maintained outside of the Defense Team's office. If Protected Materials are taken out of the Defense Team's offices, they must remain in the physical possession of a Defense Team member. Protected materials shall not be left unattended in vehicles or individual homes.

10. If defense counsel determines that additional persons are needed to review Protected Materials, he or she must obtain a further order of the Court or written consent from the government before allowing any other individual to review Protected Materials.

11. A copy of this Order shall be maintained with the Protected Materials.

12. Prior to receiving access to Protected Materials, all individuals other than the defense team who receive access to Protective Materials shall sign a copy of this Order, in the space below, acknowledging the following:

- a. I have reviewed the Order;
- b. I understand its contents and will abide by its terms;
- c. I agree that I will only access Protected Materials for the purposes of preparing a defense for the defendant;
- d. I agree that witness names and other identifying information will not be disclosed to anyone outside of the Defense Team; and
- e. I understand that failure to abide by this Order may result in sanctions by this Court.

Signature: _____

Name (Print): _____

Date: _____

Counsel shall maintain such signed copies of the Order and make them available for inspection by the Court and/or the government as requested.

1 13. Without written permission from the government or a court order secured after
2 appropriate notice, the government and the defense may not file in the public record in this action any
3 Protected Material and Protected Material may not be attached to any pleadings or other court
4 submissions that are publically filed. Protected Material may be filed or lodged under seal, with an
5 order from the Court and pursuant to the procedures set forth in the Criminal and Civil Local Rules for
6 the United States District Court for the Northern District of California.

7 14. If the Defense Team or defendant is served with a discovery request, subpoena or an
8 order issued in a separate matter that would compel disclosure of any information or items designated in
9 this action as Protected Material, or any information or items produced in this action regardless of
10 designation, the Defense Team must notify the government, in writing (by electronic mail, if possible),
11 along with a copy of the discovery request, subpoena or order, as soon as reasonably practicable. The
12 party receiving the discovery request, subpoena, or order also must immediately inform the party who
13 caused the discovery request, subpoena or order to issue that some or all of the material covered by the
14 request, subpoena or order may be the subject of this Protective Order.

15 15. After request by the government, the Defense Team shall return all Protected Materials to
16 the government fourteen calendar days after any one of the following events, whichever occurs latest in
17 time: defendant's guilty plea, dismissal of all charges against defendant; defendant's acquittal by court
18 or jury; or the conclusion of any direct appeal following conviction by a jury or the Court. After the
19 conclusion of proceedings in the district court or any direct appeal, the government will maintain a copy
20 of all Protected Materials produced. The government will maintain such material until the time period
21 for filing a motion pursuant to 28 U.S.C. § 2255 has expired. In the event a defendant is represented by
22 counsel and files a motion pursuant to 28 U.S.C. § 2255, the government will provide that counsel with
23 a copy of Protected Materials under the same restrictions as trial and direct appeal defense counsel.
24 Defendant's attorney in any action under 28 U.S.C. § 2255 shall return Protected Materials fourteen
25 calendar days after the district court's ruling on the motion or fourteen calendar days after the
26 conclusion of any direct appeal of the district court's denial of the motion, whichever is later.

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16. Any counsel that appears in this action for any party after the date of this Order shall automatically be bound by its terms.

SO STIPULATED.

Dated: October 21, 2015

BRIAN J. STRETCH
Acting United States Attorney

/s/
KIMBERLY HOPKINS
Assistant United States Attorney

Dated: October 21, 2015

/s/
ANGELA HANSEN
Counsel for Francisco Gonzalez

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

DONNA M. RYU
United States Magistrate Judge